

Annual 47 C.F.R. § 64.2009(e) CPNI Certification

EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2012

Date filed: March 1, 2013

Name of company covered by this certification: tw telecom holdings inc.

Form 499 Filer ID: 825897

Name of signatory: Tina Davis

Title of signatory: Senior Vice President & Deputy General Counsel

I, Tina Davis, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See 47 C.F.R. § 64.2001 et seq.*

Attachment A to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules.

A summary of a customer complaint received in 2012 concerning the unauthorized release of CPNI is contained in Attachment B.

The company did not take any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in 2012.

Signed Tina Davis

Statement Explaining Compliance Procedures

47 CFR §64.2007 Approval Required For Use Of Customer Proprietary Network Information.

- §64.2007(a)(2) & (a)(3): tw telecom's ("TWTC") operating procedure is described below under 64.2008 & 2009. Any opt-out elections stay in place absent further action by a customer, and are stored in a database for at least one year.
- §64.2007(b): tw telecom has sales relationships with independent contractors that team for certain sales efforts. The vast majority of these teaming relationships are for new customers, where CPNI is not an issue. However, for the teaming relationships that do involve existing TWTC customers, TWTC has painted a bright line prohibiting Company employees from disclosing CPNI to these independent contractors, with the exception that, after obtaining the customer's written consent, the Company discloses CPNI to the independent contractors on commission statements. Additionally, the Company does not permit any independent contractors to have direct access to our customers' CPNI.

47 CFR §64.2008 Notice Required For Use Of Customer Proprietary Network Information.

- TWTC has chosen to comply with the notice requirements specific to the opt-out notification as described in §64.2008(d). TWTC's billing system is programmed to send a notification with the first invoice for new customers. In compliance with §64.2008(d)(2), the billing system also generates notifications to customers every two years with the January invoices of every even year. For example, billing notifications were sent to customers with the January 2012 billing invoices.
- The content of billing notifications is fully compliant with §64.2008(c).
- §64.2008(d)(1) requires a 30-day minimum waiting period before assuming customer approval to use, disclose, or permit access to CPNI. To ensure that any opt-out responses are properly processed and recorded, TWTC has established a 60-day waiting period.
- TWTC CPNI policy permits oral solicitation for one-time use of CPNI on inbound calls when a customer that has opted-out seeks to obtain services outside the category of services to which the customer currently subscribes. Sales and Customer Care representatives are provided with instructions and a script that meets the notice requirements of §64.2008(f)(2).

47 CFR §64.2009 Safeguards Required For Use Of Customer Proprietary Network Information.

- §64.2009(a): TWTC includes a field on the customer account record that indicates whether a customer has opted to restrict TWTC's use of its CPNI for sales and marketing purposes. All accounts for each customer submitting an opt-out response are checked to ensure that all account numbers are included in the opt-out records. The account information for each opt-out customer is then logged into a spreadsheet, which is forwarded to a database administrator for upload into the internal customer database. Each opt-out customer's entry in the customer database displays a "flag" indicating that the customer has restricted the company's use of the customer's CPNI. All customer lists that are used for sales and marketing campaigns are provided by the same group that develops the campaigns and maintains records of the campaigns. This serves to limit the responsibility for determining which customers can be included on sales lists to a small group of experts. Nevertheless, there are times when sales personnel in the various Operating Entities need the flexibility to customize their own sales efforts for existing customers. As described below, all sales and marketing personnel are instructed on the restrictions that apply to "opt-out" customers and the requirement to check customer account records before contacting an existing customer for the purpose of marketing services outside the customer's existing category of service.
- §64.2009(b): All employees are required to complete a separate, comprehensive, interactive, narrative-based CPNI training module annually; and new employees must complete the module as part of their initial training. A comprehensive Reference Guide is available for downloading at the end of the module. Each employee must electronically acknowledge completion of the module and review of the Guide, an electronic record of which is stored in the company's Learning Management System under the supervision of the Human Resources department. All employees are made aware that violation of the Commission's CPNI requirements, including not completing and acknowledging training, can lead to disciplinary action, including termination.
- §64.2009(c): The department that is responsible for designing sales and marketing campaigns also maintains records that comply with this section by including a description of each campaign, the specific CPNI that was used in the campaign, and the products and services that were offered as part of the campaign. These records are maintained indefinitely.
- §64.2009(d): At this time, TWTC does not permit outbound marketing requests for customer approval to use their CPNI. Should TWTC engage in outbound marketing efforts to gain customer approval, the supervisory review process would involve the Legal/Regulatory CPNI Administrators.

47 CFR §64.2010 Safeguards On The Disclosure Of Customer Proprietary Network Information.

- §64.2010(b): TWTC uses a unique, non-sequential Invoice Number as an authentication code. This number is different each month and appears on the face of the monthly billing invoice, which is mailed to the billing address of record established

at the time of service initiation. TWTC employees are instructed that call-detail information cannot be provided during a customer-initiated telephone request unless the caller can first provide the randomly generated Invoice Number and Total Amount Due from one of the Customer's last three monthly invoices as authentication.

- §64.2010(c) & (e): Registration for online access to TWTC's on-line customer portal (named MyPortal) is necessary to gain access to CPNI, including customer's billing records. In order to gain access to any CPNI in MyPortal, Customers must first register and establish a password by providing (a) either a Smart Opportunity ID (a randomly generated, unique number provided to the Customer before an order is placed), or an Order ID (a randomly generated, unique number provided to the Customer when the order is placed); and (b) the assigned Account Number. The user is then guided through the registration process, including the establishment of a password and back-up authentication in accordance with §64.2010(e). The Customer's password then will allow the Customer access to all Transactional Information associated with its account, such as the status of orders, tracking the resolution of reported service problems, and bandwidth utilization for select services. Further, to gain access to the My Billing database within MyPortal, which contains a Customer's detailed billing information, the Customer must provide additional authentication consisting of (a) the randomly generated, unique Invoice Number and Total Amount Due from one of the Customer's last three monthly invoices; and (b) the Account Number assigned to the Customer.
- §64.2010(d): TWTC does not have retail store operations.
- §64.2010(f): Online accounts automatically generate messages to the electronic address of record whenever on-line account information, password, backup authentication question, or address of record is changed. Changes to the address of record made in response to telephone or written requests cause a written notice to be sent to the existing address of record.

47 CFR §64.2011 Notification Of Customer Proprietary Network Information Security Breaches.

- §64.2011(a): TWTC has established a process for employees who discover a breach, either from internal or external sources, to report the breach, with as many facts as are available, to the CPNI Administrators in the Legal/Regulatory Dep't. The Administrators will investigate to determine if an actual breach did occur, and if so, gather as many additional facts as possible before reporting the breach in accordance with §64.2011(b). The Administrators supervise customer notification when appropriate and maintenance of compliant records under §64.2011(c) & (d) as well.

Summary of 2012 Customer Complaint Concerning Unauthorized Release of CPNI

A TWTC Sales Director for Customer A asked a Customer Account Manager (CAM), who had recently taken over Customer A's account, to send a circuit inventory to the Customer. While preparing the email to send Customer A its inventory, the CAM inadvertently attached the wrong inventory, which belonged to Customer B, and sent it to Customer A. It appears that the CAM arranges customer accounts in alphabetical order and that since both customers' names begin with the same letter, Customer B's account inventory was right next to Customer A's inventory in the CAM's computer. After opening the attached inventory, Customer A recognized that it was the wrong inventory and contacted the TWTC Sales Director to report the error. TWTC investigated and the CAM's managers, upon review of this incident from a disciplinary perspective, taking into account the CAM's tenure, lack of similar problems and past superior performance, recommended that verbal coaching was appropriate for the CAM, who has since also received another round of CPNI training. TWTC's corporate Integrity and Ethics Council reviewed the matter and concurred in the outcome. Additionally, as a result of this incident, the Sales Director used the opportunity to discuss potential CPNI risks with the larger sales force in this market. Given the circumstances, TWTC is confident that this was not a process weakness, but an isolated incident caused by human error that is unlikely to be repeated by this employee.